

REMARKS

In view of the following discussion, it is submitted that none of the claims now pending in the application are un-patentable under the provisions of 35 U.S.C. § 103. Thus, all of these claims are now in condition for allowance. Claim 5 is canceled without prejudice, and the limitations of claim 5 are amended into independent claim 1. Various other claims are amended to address various informalities. No new matter is added.

I. REJECTION OF CLAIMS 1-3 AND 6-11 UNDER 35 U.S.C. § 103

The Examiner rejected claims 1-3 and 6-11 in the Office Action under 35 U.S.C. § 103 as being un-patentable over D'Angelo, et al., U.S. Patent No. 7,539,291, issued on May 26, 2009, herein after referred to as "D'Angelo" in view of the Examiner's taking of Official Notice. The rejection is respectfully traversed.

In the Office Action, the Examiner asserted that claims 4 and 5 are allowable if rewritten in independent form. Responsive to the Examiner, the Assignee herein cancels claim 5 without prejudice, and amends the independent claim 1 to include the limitations of allowable claim 5. As such, claim 1 is now in allowable form. As such, the current rejection in view of D'Angelo and Official Notice is now moot.

Moreover, dependent claims 2-4 and 6-11 depend from the allowable independent claim 1 and recite additional limitations. As such, and for the exact same reason set forth above with regard to the independent claim 1 being patentable over D'Angelo and the Official Notice asserted by the Examiner, claims 2-4 and 6-11 are also patentable over D'Angelo and the Official Notice asserted by the Examiner. As such, the rejection should be withdrawn.

II. ALLOWABLE SUBJECT MATTER

The Assignee thanks the Examiner for indicating that claims 4 and 5 are allowable if rewritten in independent form. As described above, the Assignee has amended the independent claim 1 to include the limitations of allowable claim 5.

Conclusion


Thus, it is respectfully submitted that all of these claims now fully satisfy the requirements of 35 U.S.C. § 103. Consequently, all pending claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring the maintenance of a final rejection in any of the claims now pending in the application, it is requested that the Examiner telephone Mr. Kin-Wah Tong, Esq. at (732) 842-8110 Ext. 130 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully Submitted,

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